

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE J		PAGE OF PAGES 1 3	
2. AMENDMENT/MODIFICATION NO. 0001		3. EFFECTIVE DATE 04-Mar-2003		4. REQUISITION/PURCHASE REQ. NO. W26GLG-3021-5571		5. PROJECT NO.(If applicable)	
6. ISSUED BY CODE DACW65 CONTRACTING OFFICE (CA/CW) US ARMY ENGR DIST NORFOLK ATTN: CENAO-SS-C 803 FRONT STREET NORFOLK VA 23510-1096		7. ADMINISTERED BY (If other than item 6) CODE See Item 6					
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)				<input checked="" type="checkbox"/> X		9A. AMENDMENT OF SOLICITATION NO. DACW65-03-B-0008	
				<input checked="" type="checkbox"/> X		9B. DATED (SEE ITEM 11) 11-Feb-2003	
						10A. MOD. OF CONTRACT/ORDER NO.	
						10B. DATED (SEE ITEM 13)	
CODE		FACILITY CODE					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input checked="" type="checkbox"/> X The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input checked="" type="checkbox"/> X is extended, <input type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required)							
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.							
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).							
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:							
D. OTHER (Specify type of modification and authority)							
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) Amendment 0001 to DACW65-03-B-0008, Maintenance Dredging, Rudlet Inlet, Virginia Beach, VA is modified as follows: <div style="text-align: center; padding: 20px;">See Continuation pages</div>							
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)			
				TEL: _____ EMAIL: _____			
15B. CONTRACTOR/OFFEROR _____ (Signature of person authorized to sign)		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED 05-Mar-2003	

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

The following items are applicable to this modification:AMENDMENT 0001

A. Bid Opening for Subject Solicitation is extended to:

14 March 2003; 2:00 PM

B. Solicitation Clauses and Provisions are revised as follows:

NOTE: Section 00100

Clause 52.216-1 TYPE OF CONTRACT fill in should read FIRM FIXED PRICE Contract.

Clause 52.222-23 NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY FOR CONSTRUCTION should read:

(b) "Goals for minority participation for each trade" should read **26.6 percent** and the "Goals for female participation for each trade" should read **6.9 percent**.(e) the "covered area" is **Rudee Inlet, Virginia Beach, VA**.

Clause 52.228-1 BID GUARANTEE should read:

© The amount of the bid guarantee shall be **20 percent** of the price or **\$3 million**, whichever is less.

The following Clause is added to 00100.

"DREDGING AND DREDGE RELATED MARINE WORK

The Contractor shall comply with the provisions of EM 385-1-1. If the Contractor is a currently accepted participant in the Dredging Contractors of America (DCA)/United States Army Corps of Engineers (USACE) Dredging Safety Management Program (DSMP), as determined by the DCA/USACE Joint Committee, and holds a current valid Certificate of Compliance for both the Contractor Program and the Dredge(s) to be used to perform the work under this contract, the Contractor may, in lieu of the submission of an Accident Prevention Plan (APP),

- (1) make available for review, upon request, the Contractor's current Safety Management System (SMS) documentation,
- (2) submit to the Contracting Officer the current valid Company Certificate of Compliance for its SMS,
- (3) submit the current dredge(s) Certificate of Compliance based on third party audit, and
- (4) submit for review and acceptance, site-specific addenda to the SMS as specified in the solicitation."

C. Technical Changes are as follows:

- a. Section 01111, page 01111-2, after the first sentence of paragraph 1.4.1 insert the following:

"In the event the Contractor is an accepted participant in the Dredging Contractors of America (DCA)/United States Army Corps of Engineers (USACE) Dredging Safety Management Program, an Accident Prevention Plan (APP) will not be required; however, the site specific requirements specified herein are required and shall be provided for review and acceptance as specified herein, and included as addenda data to the Safety Management System and other data as required by the CONTRACT CLAUSE "DREDGING AND DREDGE RELATED MARINE WORK", in Section 00100.

Section 01355, delete the Virginia Marine Resources Commission Permit (VMRC) included at the end of the Section and substitute therefore the new Virginia Marine Resources Commission Permit (VMRC) provided as Attachment A to this amendment.

b. Section 02881, page 02881-5, paragraph 3.1.3.4, line 2, change “+9.0 feet” to “+11.0 feet”. In line 5, change “200 feet” to “300 feet”.

NOTE: Section 00700 – Contract Clause

Clause 52.225-9 BUY AMERICAN ACT – CONSTRUCTION MATERIALS

(b) Domestic preference,

(2) This requirement does not apply to the construction material or components listed by the Government as follows: **NONE**

NOTE: Section 00800, Contract Clause

52.211-10 COMMENCEMENT, PROSECUTION, AND COMPLETION OF WORK; submitted with initial solicitation “DELETE” in their entirety (two).

ADD new 52.211-10 COMMENCEMENT, PROSECUTION, AND COMPLETION OF WORK provided with this amendment as Attachment B.



COMMONWEALTH of VIRGINIA

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Marine Resources Commission

2600 Washington Avenue
Third Floor
Newport News, Virginia 23607

William A. Pruitt
Commissioner

December 11, 2002

U. S. Army Corps of Engineers
c/o Mr. Ronald G. Vann, P.E.
Chief, Waterways and Ports Branch
803 Front St.
Norfolk, VA 23510

RE: VMRC #02-0523

Dear Mr. Vann:

Enclosed is the Marine Resources Commission permit for your proposal to place up to 150,000 cubic yards of suitable sandy dredged material annually in an unconfined manner on the downdrift beach lying north of Rudee Inlet in Virginia Beach. The aforementioned spoil material will result from the hydraulic maintenance dredging of the Rudee Inlet Federal Project Channel, associated sand trap and weir system. You are additionally authorized to perform routine maintenance dredging of the inlet on an as-needed basis, for a period of five years to maintain maximum project depths of minus fourteen feet (-14') in the entrance channel and minus twenty feet (-20') in the sand trap.

A yellow placard is also enclosed. This placard reflects the authorized activities for inspection purposes and must be conspicuously displayed at the work site throughout the construction phase. Failure to properly post the placard in a prominent location will be considered a violation of your permit conditions.

YOU ARE REMINDED THAT ANY DEVIATION FROM THE PERMIT OR ATTACHED DRAWINGS REQUIRES PRIOR AUTHORIZATION FROM THE MARINE RESOURCES COMMISSION. FAILURE TO OBTAIN THE NECESSARY MODIFICATION WILL BE CONSIDERED A VIOLATION AND COULD SUBJECT YOU TO CIVIL CHARGES IN AMOUNTS NOT TO EXCEED \$10,000 PER VIOLATION.

An Agency of the Natural Resources Secretariat

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD

Attachment A; Amendment No. 0001
Solicitation No: DACW65-03-B-0008

U. S. Army Corps of Engineers
VMRC #02-0523
Page 2

December 11, 2002

The work authorized by this permit is to be completed by October 31, 2007. Please note that in conformance with Special Condition 17 of your permit you are to notify the Commission prior to commencement of your permitted project. The enclosed self-addressed, stamped post card is to be used for this purpose. All other conditions of the permit will remain in effect.

Please be advised that you may also require issuance of a U. S. Army Corps of Engineers permit before you begin work on this project. You may wish to contact them directly to verify any permitting requirements.

Sincerely,



Robert W. Grabb

Chief, Habitat Management

RWG/bac

HM

~~Enclosure~~

cc: U. S. Army Corps of Engineers
Virginia Beach Wetlands Board

The following special conditions are imposed on this permit:

- (15) If any loss or damage to the Commonwealth is caused by or contributed to, in whole or in part, by the Permittee arising from the establishment, operation, or maintenance of said project, the liability of the Permittee therefore shall be determined in accordance with the applicable provisions of the Federal Tort Claims Act of August 2, 1946, as amended.
- (16) The yellow placard accompanying this permit document must be conspicuously displayed at the work site throughout the construction phase of the authorized activity.
- (17) Permittee agrees to notify the Commission a minimum of 15 days prior to the start of the construction activities authorized by this permit.
- (18) The Permittee shall provide a post-dredging bathymetric survey of the dredged area within 30 days of the completion of the dredging.
- (19) Any areas dredged deeper than minus fourteen feet (-14') in the entrance channel and minus twenty feet (-20') in the sand trap will be considered a violation of the Commission's permit and subject to enforcement action.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION
PERMIT**

The Commonwealth of Virginia, Marine Resources Commission, hereinafter referred to as the Commission, on this 22nd day of October 2002, hereby grants unto:

**U. S. Army Corps of Engineers
c/o Mr. Ronald G. Vann, P.E.
Chief, Waterways and Ports Branch
803 Front Street
Norfolk, Virginia 23510**

hereinafter referred to as the Permittee, permission to:

- X Encroach in, on, or over State-owned subaqueous bottoms pursuant to Chapter 12, Subtitle III, of Title 28.2 of the Code of Virginia.
- Use or develop tidal wetlands pursuant to Chapter 13, Subtitle III, of Title 28.2 of the Code of Virginia.

Permittee is hereby authorized to place up to 150,000 cubic yards of suitable sandy dredged material annually in an unconfined manner on the downdrift beach lying north of Rudee Inlet in Virginia Beach. The aforementioned spoil material will result from the hydraulic maintenance dredging of the Rudee Inlet Federal Project Channel, associated sand trap and weir system. Permittee is additionally authorized to perform routine maintenance dredging of the inlet on an as-needed basis, for a period of five years to maintain maximum project depths of minus fourteen feet (-14') in the entrance channel and minus twenty feet (-20') in the sand trap. All activities authorized herein shall be accomplished in conformance with the plans and drawings dated received 3/21/02, and/or revised 9/13/02, which are attached and made a part of this permit.

This permit is granted subject to the following conditions:

- (1) The work authorized by this permit shall be completed by October 31, 2007. The Permittee shall notify the Commission when the project is completed. The completion date may be extended by the Commission in its discretion. Any such application for extension of time shall be in writing prior to the above completion date and shall specify the reason for such extension and the expected date of completion of construction. All other conditions remain in effect until revoked by the Commission or the General Assembly.
- (2) This permit grants no authority to the Permittee to encroach upon the property rights, including riparian rights, of others.
- (3) The duly authorized agents of the Commission shall have the right to enter upon the premises at reasonable times, for the purpose of inspecting the work being done pursuant to this permit.
- (4) The Permittee shall comply with the water quality standards as established by the Department of Environmental Quality, Water Division, and all other applicable laws, ordinances, rules and regulations affecting the conduct of the project. The granting of this permit shall not relieve the Permittee of the responsibility of obtaining any and all other permits or authority for the projects.
- (5) This permit shall not be transferred without written consent of the Commissioner.
- (6) This permit shall not affect or interfere with the right vouchsafed to the people of Virginia concerning fishing, fowling and the catching of and taking of oysters and other shellfish in and from the bottom of acres and waters not included within the terms of this permit.
- (7) The Permittee shall, to the greatest extent practicable, minimize the adverse effects of the project upon adjacent properties and wetlands and upon the natural resources of the Commonwealth.
- (8) This permit may be revoked at any time by the Commission upon the failure of the Permittee to comply with any of the terms and conditions hereof or at the will of the General Assembly of Virginia.
- (9) There is expressly excluded from the permit any portion of the waters within the boundaries of the Baylor Survey.
- (10) This permit is subject to any lease of oyster planting ground in effect on the date of this permit. Nothing in this permit shall be construed as allowing the Permittee to encroach on any lease without the consent of the leaseholder. The Permittee shall be liable for any damages to such lease.
- (11) The issuance of this permit does not confer upon the Permittee any interest or title to the beds of the waters.
- (12) All structures authorized by this permit which are not maintained in good repair shall be completely removed from State-owned bottom within three (3) months after notification by the Commission.
- (13) The Permittee agrees to comply with all of the terms and conditions as set forth in this permit and that the project will be accomplished within the boundaries as outlined in the plans attached hereto. Any encroachment beyond the limits of this permit shall constitute a Class 1 misdemeanor.
- (14) This permit authorizes no claim to archaeological artifacts which may be encountered during the course of construction. If, however, archaeological remains are encountered, the Permittee agrees to notify the Commission, who will, in turn notify the Department of Historic Resources. The Permittee further agrees to cooperate with agencies of the Commonwealth in the recovery of archaeological remains if deemed necessary.

A permit issuing fee of: \$100.00

and a royalty of: n/a

for a total of \$100.00

This permit consists of 6 sheets.

PERMITTEE

Permittee's signature is affixed hereto as evidence of acceptance of all of the terms and conditions herein.

In cases where the Permittee is a corporation, agency or political jurisdiction, please assure that the individual who signs for the Permittee has proper authorization to bind the organization to the financial and performance obligations which result from activity authorized by this permit.

PERMITTEE

Accepted for U. S. Army Corps of Engineers

25 day of November, 2002

By

Ronald G. Vann

(Name)

Chief OF

(Title)

State of VIRGINIACity (or County) of NORFOLK, to-wit:

I, ELIZABETH E. TILLET, a Notary Public in and for said City (or County) and State hereby certify that RONALD G. VANN, Permittee, whose name is signed to the foregoing, has acknowledged the same before me in my City (or County) and State aforesaid.

Given under my hand this 25 day of November 2002

My Commission Expires: 9-30-02

Notary Public

Elizabeth E. Tillet

COMMISSION

IN WITNESS WHEREOF, the Commonwealth of Virginia, Marine Resources Commission has caused these presents to be executed in its behalf by Robert W. Grabb, Chief, Habitat Management
(Name) (Title) Marine Resources Commission

11th day of December, 20 02

by

Robert W. Grabb

State of Virginia

City of Newport News, to wit:

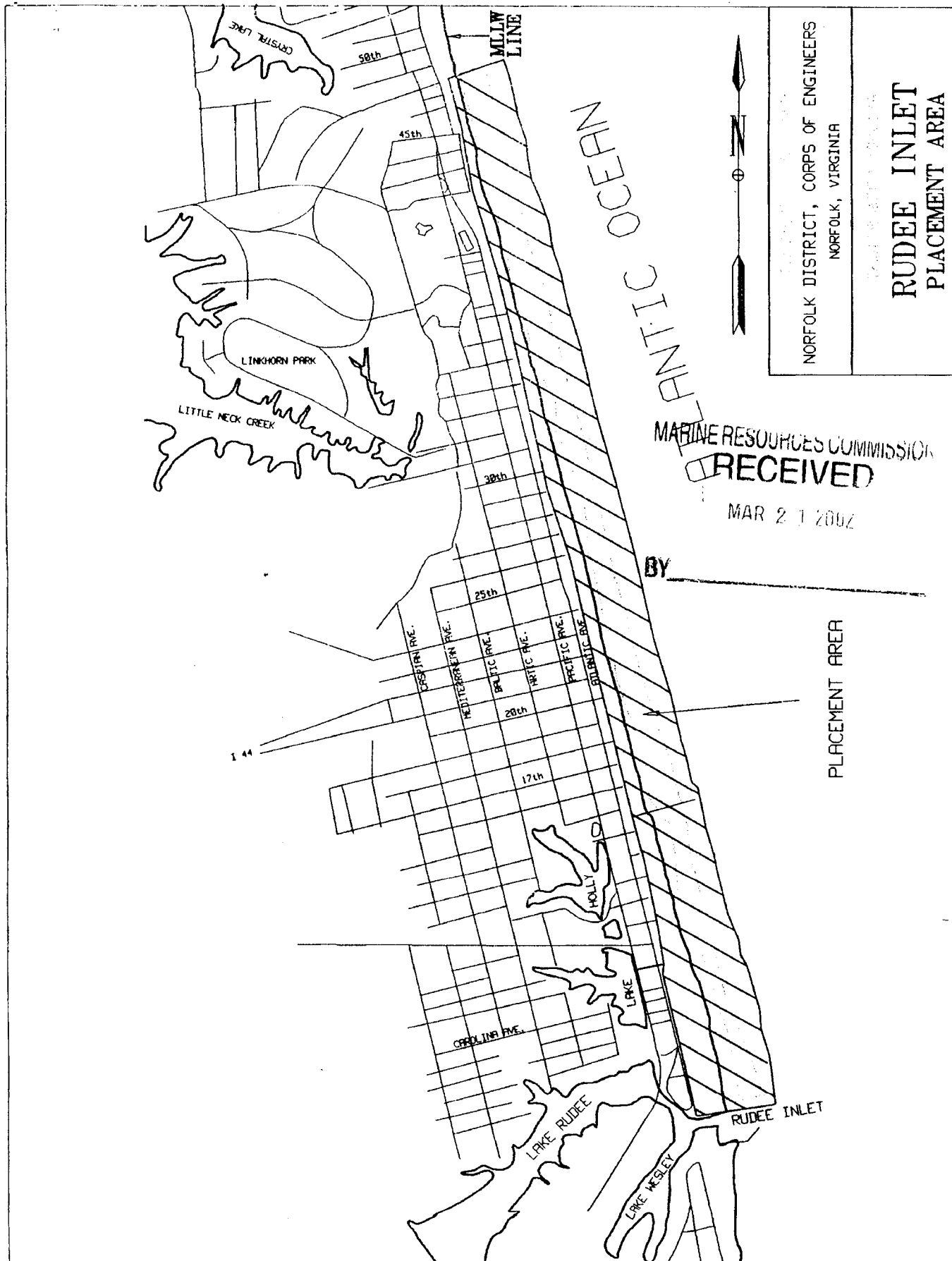
I, Barbara A. Cundiff, a Notary Public within and for said City, State of Virginia, hereby certify that Robert W. Grabb, whose name is signed to the foregoing, bearing the 22nd day of October 2002, has acknowledged the same before me in City aforesaid.

Given under my hand this 11th day of December, 20 02

My Commission Expires: 4-30-2003

Notary Public

Barbara A. Cundiff



NORFOLK DISTRICT, CORPS OF ENGINEERS
NORFOLK, VIRGINIA

RUDEE INLET PLACEMENT AREA

MARINE RESOURCES COMMISSION
RECEIVED

MAR 21 2002

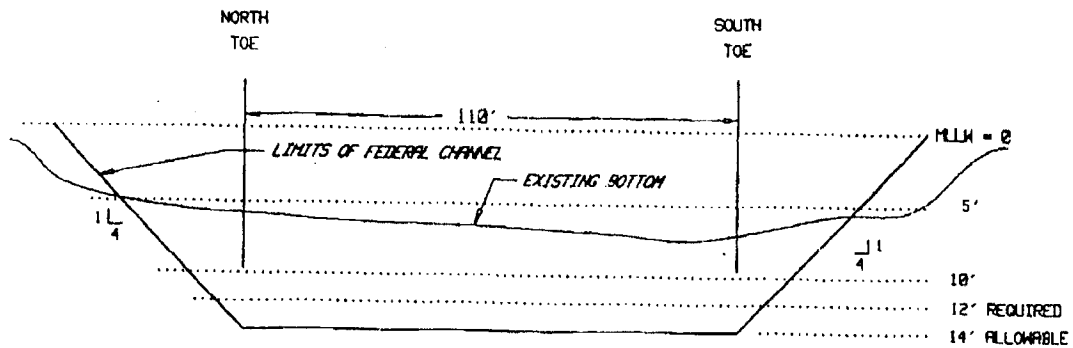
BY

PLACEMENT AREA

SCALE: 1" = 2,000'

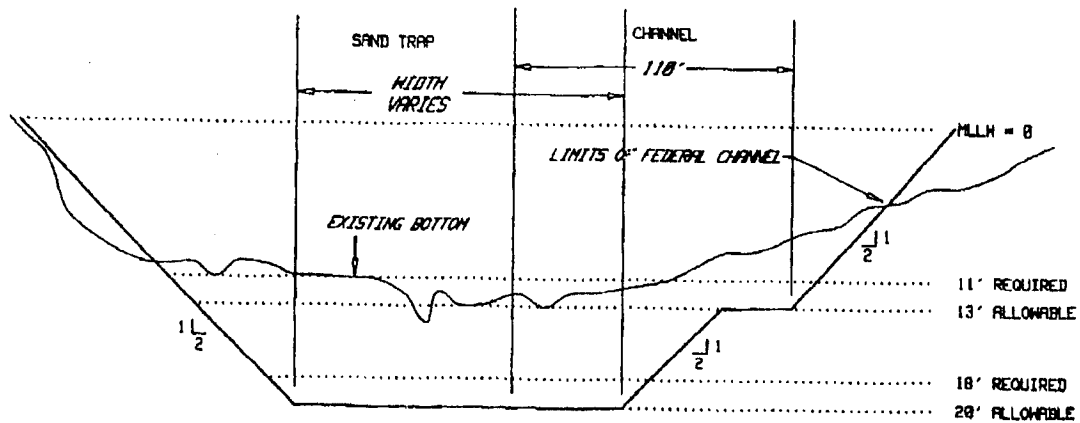
PROJECT 02-0523
VMAO RECD 9.13.02





TYPICAL CROSS SECTION VIEW OF OUTER CHANNEL

(NOT TO SCALE)



TYPICAL CROSS SECTION VIEW OF SAND TRAP

(NOT TO SCALE)

DEPARTMENT OF THE ARMY
NORFOLK DISTRICT, CORPS OF ENGINEERS
NORFOLK, VIRGINIA

VIRGINIA BEACH, VIRGINIA
RUDEE INLET

SECTION 00800 - SPECIAL CONTRACT REQUIREMENTS

52.211-10 COMMENCEMENT, PROSECUTION, AND COMPLETION OF WORK (APR 1984)

The Contractor shall be required to (a) commence work under this contract within 14 calendar days after the date the Contractor receives the notice to proceed, (b) prosecute the work diligently, and (c) complete the entire work ready for use not later than 30 calendar days. ~~Should the total quantity of material to be paid for and actually removed under this contract exceed the quantity from the Bidding Schedule, additional time will be allowed at the rate of one day for each 6,000 cubic yards in excess of the estimated quantity.~~ The time stated for completion shall include final cleanup of the premises.

(End of clause)